

FILED
Clerk
District Court

DEC 22 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

LI YING HUA, LI ZHENG ZHE,
and XU JING JI,

Plaintiffs

v.

JUNG JIN CORPORATION, a
Commonwealth of the Northern
Mariana Islands Corporation; ASIA
ENTERPRISES, a Commonwealth of
the Northern Mariana Islands
Corporation; PARK HWA SUN; and,
KIM HANG KWON,

Defendants

Civil Action No. 05-0019

ORDER REGARDING
SUBPOENAED MATERIAL

THIS MATTER came before the court on Thursday, December 21, 2006, for
hearing of non-party Commonwealth Department of Finance, Division of Revenue
and Taxation's motion to quash the subpoena served upon it. Plaintiffs appeared by

1 and through their attorney, Mark B. Hanson; Commonwealth Department of
2 Finance, Division of Revenue and Taxation, appeared by and through its attorney,
3 Assistant Attorney General Deborah L. Covington.
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5 THE COURT, having considered the written and oral arguments of counsel,
6 rules as follows:
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8 This court, and indeed all of society, has a compelling interest in seeing that its
9 judgments are enforceable after they have been lawfully rendered. The court believes
10 that the Commonwealth Department of Revenue and Taxation's sweeping, and
11 apparently unilateral, prohibitions against divulging *any* information potentially run
12 afoul of the statutory laws of the Commonwealth, which quite clearly evince a policy
13 that the local government is to operate openly and transparently. *See e.g.* 1 N.Mar.I.
14 Code § 9901 *et seq.* ("...open records requirements shall be strictly construed
15 against...nondisclosure of records.") The court finds that Commonwealth law
16 supports its conclusion that individual privacy concerns cannot be used as a blanket
17 justification for refusing to provide information in response to properly-issued legal
18 process. The court believes that that is particularly so when, as here, there are
19 allegations that the privacy regulations are being manipulated to perpetrate a fraud on
20 these plaintiffs and, perhaps, on the Commonwealth itself.
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22 Having said that, the court does recognize that there are legitimate privacy
23 concerns which it will recognize and protect, particularly as to the non-parties about
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1 whom information is sought. Accordingly, in an effort to balance the needs and
2 concerns of both plaintiffs and the Division of Revenue and Taxation, and in
3 recognition of the fact that the plaintiffs and the Commonwealth have met and
4 conferred but have been unable to agree on what material should be provided in
5 response to the subpoena,
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8 IT IS ORDERED that the Commonwealth Department of Finance, Division
9 of Revenue and Taxation, shall deliver all subpoenaed materials to the court by 3:30
10 p.m., Wednesday, December 27, 2006, for the court's *in camera* inspection. The court
11 will take into account the positions of the parties when it makes its decision what, if
12 any, of the subpoenaed materials shall be released to plaintiffs. Further, if the court
13 orders that certain information be released to plaintiffs, it will place reasonable
14 restrictions of divulging the information to other persons.
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17 DATED this 22nd day of December, 2006.
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22 ALEX R. MUNSON
23 Judge
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